

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED
U.S. DISTRICT COURT

X 2012 OCT 18 PM 1:00

S.D. OF N.Y.

Renee Striano Walsh,

Plaintiff,

Civil Action No.: _____

v.

12 CV 7782

Law Office of Rubin & Rothman, LLC

COMPLAINT AND DEMAND
FOR TRIAL BY JURY

Defendant(s).

JUDGE SLEET

X
Plaintiff Renee Striano Walsh (“Plaintiff” or “Walsh”), by and through her attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for her Complaint against the Defendant Law Office of Rubin & Rothman, LLC (“Defendant” or “RUBIN ROTHMAN”), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant’s violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act (“FDCPA”).

PARTIES

2. Plaintiff is a resident of the State of NY, County of Rockland, residing at 215 Orange Turnpike, Sloatsburg, NY 10974.

3. Defendant is a collection law firm with a principal place of business at 1787 Veterans Hwy, Islandia, NY 11749, and, upon information and belief, is licensed to do business in the State of NY.

4. RUBIN ROTHRMAN is a “debt collector” as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendant jurisdiction over the State law claims in this action pursuant to 28 U.S.C. Sec. 1367 (a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391 (b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. In or around April, 2012, Defendant placed at least 2 telephone calls to Plaintiff, and left messages for Plaintiff on Plaintiff’s answering machine.

10. Said calls contained personal and confidential information.

11. Said messages were messages to collect a debt, and they were left on an answering machine which was played and heard by one or more third parties who each had the right and opportunity to play same.

12. Said messages were heard, amongst others, by Plaintiff’s co-worker, Steve Klein.

13. The actions of Defendant led to embarrassment, harassment, and disclosure of confidential information to a third party.
14. Said actions by Defendant violated 15 U.S.C. §1692b(2) and 15 U.S.C. §1692c(b) which prohibit communicating with anyone except consumer and communicating to a third party, stating that a consumer owes a debt.
15. As a result of Defendant's deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION

(Violations of the FDCPA)

16. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "15" herein with the same force and effect as if the same were set forth at length herein.
17. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §1692b(2) and 15 U.S.C. §1692c(b).
18. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

19. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues this complaint to which Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Renee Striano Walsh demands judgment from the Defendant Law Office of Rubin & Rothman, LLC, as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC Sec. 1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
October 15, 2012

Respectfully submitted,

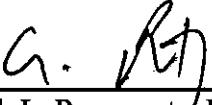
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Exhibit A - Transcript

This message is for Renee Walsh and is intended to be heard by no other person. If not Renee Walsh, please hang up. Message is to call Joe Drake with the law firm Rubin and Rothman. We are debt collectors. May return the call to 1-800-298-6058 extension 334. Call may be monitored or recorded.

This message is for Renee Walsh or Renee Striano and is intended to be heard by no body else. If you're not Renee Walsh or Renee Striano, please hang up and disconnect. Mr. Sheh, S -H-E-H, calling from the law office Rubin and Rothman. We are debt collectors. You may call us about a debt at 877-207-9976. I'm at extension 196. Be advised your call may by monitored or recorded. Thank you.